CONNECTICUT
LAW REVIEW

Index for Volume 23
1990-1991

THE UNIVERSITY OF CONNECTICUT SCHOOL OF LAW
HARTFORD, CONNECTICUT
COPYRIGHT 1991, THE UNIVERSITY OF CONNECTICUT

THE UNIVERSITY OF CONNECTICUT SCHOOL OF LAW
HARTFORD, CONNECTICUT
COPYRIGHT 1991, THE UNIVERSITY OF CONNECTICUT

SUBJECT INDEX

PAGE

AIDS
Out of the Dark Ages and into the Nineties: Prisons' Responses to Inmates with AIDS 1001

ANTITRUST
The Effects of *Monsanto, Matsushita* and *Sharp* on the Plaintiff's Incentive to Sue 333

ARREST WARRANTS
The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1

CHOICE OF LAW
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117

CIVIL PROCEDURE
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117
Transient Jurisdiction is Here to Stay: *Burnham v. Superior Court of California* 1125

CIVIL RIGHTS
Students Versus Professors: Combatting Sexual Harassment Under Title IX of the Education Amendments of 1972 355

COMPUTER LAW
Property Taxation of Computer Software: *Northeast Datacom, Inc. v. City of Wallingford* 161

CONFLICTS OF LAWS
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117

CONNECTICUT HISTORY

William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut 31

CONSTITUTIONAL LAW

Beyond *Griswold:* Foucauldian and Republican Approaches to Privacy 861

Richard A. Posner: Cardozo: A Study in Reputation 1029

The Costs of Fetal Protection 1049

The Imposition of Use Tax Collection Liability on Mail-Order Retailers: What Happens When the *Bellas Hess* Barrier Is Removed? 1087

Intimacy Outside of the Natural Family: The Limits of Privacy ... 955

The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1

Treating the Symptom Instead of the Cause: Regulating Student Speech at the University of Connecticut 743

The Violence of Privacy 973

Waiver of Rights in the Interrogation Room: The Court's Dilemma 229

What Judge Bork Should Have Said 205

William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut 31

CONTRACT LAW

Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117

COURTS

Separation of Powers Analysis as a Method for Determining the Validity of Federal District Courts' Exercise of Local Rulemaking Power: Application to Local Rules Mandating Alternative Dispute Resolution 483

The Siren Songs of Science: Toward a Taxonomy of Scientific Uncertainty for Decisionmakers 567

CRIMINAL LAW

The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1

Waiver of Rights in the Interrogation Room: The Court's Dilemma 229

DECISIONMAKING
The Siren Songs of Science: Toward a Taxonomy of Scientific Uncertainty for Decisionmakers 567

EDUCATION
Fear and Loathing in the Law Schools 627
Treating the Symptom Instead of the Cause: Regulating Student Speech at the University of Connecticut 743
Students Versus Professors: Combatting Sexual Harassment Under Title IX of the Education Amendments of 1972 355

ENVIRONMENTAL LAW
Public Trust, Farmland Protection, and the Connecticut Environmental Protection Act: *Red Hill Coalition, Inc. v. Town Plan and Zoning Commission* 811

ETHICS
Slim Just Left Town: Decisionmaking on an Intensive Care Unit .. 261
The Theory and Practice of Defending Judges Against Unjust Criticism 99

EVIDENCE
The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1
Waiver of Rights in the Interrogation Room: The Court's Dilemma 229

FAMILY LAW
Slim Just Left Town: Decisionmaking on an Intensive Care Unit .. 261
The Violence of Privacy 973

FEDERAL COURTS
The Effects of *Monsanto, Matsushita*, and *Sharp* on the Plaintiff's Incentive to Sue 333

FIFTH AMENDMENT
Waiver of Rights in the Interrogation Room: The Court's Dilemma 229

FIRST AMENDMENT
Thick Veils and Undrawn Lines: *Eimann v. Soldier of Fortune* and the Demise of the Negligent Advertising Cause of Action .. 451
Treating the Symptom Instead of the Cause: Regulating Student Speech at the University of Connecticut 743

FOURTH AMENDMENT
The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1

HEALTH LAW
Slim Just Left Town: Decisionmaking on an Intensive Care Unit .. 261
Out of the Dark Ages and into the Nineties: Prisons' Responses to Inmates with AIDS 1001

INSURANCE LAW
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117

INTESTATE SUCCESSION
Intestate Succession in a Polygamous Society 281

JUDGES
The Theory and Practice of Defending Judges Against Unjust Criticism 99
William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut 31
What Judge Bork Should Have Said 205

JURISDICTION
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders 117
Transient Jurisdiction is Here to Stay: *Burnham v. Superior Court of California* 1125

JURISPRUDENCE
The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1
The Theory and Practice of Defending Judges Against Unjust Criticism 99
What Judge Bork Should Have Said 205

LAW AND LITERATURE
Formalism, Realism, and Naturalism: Cross-Currents in American Letters and Law 669
The Devil's Disciple and the Learned Profession: Ambrose Bierce and the Practice of Law in Gilded Age America 705

NATURAL LAW
William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut 31

NEGLIGENCE
Thick Veils and Undrawn Lines: *Eimann v. Soldier of Fortune* and the Demise of the Negligent Advertising Cause of Action .. 451

PARTNERSHIPS
Revisiting the Controversy over the Taxation of the Receipt of a Partnership Profits Interest for Services: *Campbell v. Commissioner* 413

PRISONS
Out of the Dark Ages and into the Nineties: Prisons' Responses to Inmates with AIDS 1001

PRIVACY
Beyond *Griswold:* Foucauldian and Republican Approaches to Privacy 861
Intimacy Outside of the Natural Family: The Limits of Privacy ... 955
Out of the Dark Ages and Into the Nineties: Prisons' Responses to Inmates with AIDS 1001
The Violence of Privacy 973

PROBABLE CAUSE
The Point of the Fourth Amendment and the Myth of Magisterial Discretion 1

PUBLIC TRUST DOCTRINE
Public Trust, Farmland Protection, and the Connecticut Environmental Protection Act: *Red Hill Coalition, Inc. v. Town Plan and Zoning Commission* 811

SEPARATION OF POWERS
William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut 31

SEX DISCRIMINATION
Students Versus Professors: Combatting Sexual Harassment Under Title IX of the Education Amendments of 1972 355

SIXTH AMENDMENT
Waiver of Rights in the Interrogation Room: The Court's Dilemma 229

TAX
The Imposition of Use Tax Collection Liability on Mail-Order Retailers: What Happens When the *Bellas Hess* Barrier Is Removed? 1087
Property Taxation of Computer Software: *Northeast Datacom, Inc. v. City of Wallingford* 161
Revisiting the Controversy over the Taxation of the Receipt of a Partnership Profits Interest for Services: *Campbell v. Commissioner* 413

TITLE IX
Students Versus Professors: Combatting Sexual Harassment Under Title IX of the Education Amendments of 1972 355

TORT LAW
Thick Veils and Undrawn Lines: *Eimann v. Soldier of Fortune* and the Demise of the Negligent Advertising Cause of Action .. 451

TRUSTS AND ESTATES
Intestate Succession in a Polygamous Society 281

LEAD ARTICLES — By Author

AUTHOR	TITLE	PAGE
Bacigal, Ronald J.	The Theory and Practice of Defending Judges Against Unjust Criticism	99
Boyer, Allen D.	Formalism, Realism, and Naturalism: Cross-currents in American Letters and Law	669
Chang, Deborah S.	Out of the Dark Ages and into the Nineties: Prisons' Responses to Inmates with AIDS	1001
Collier, Christopher	William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut	31
Cushman, Barry	Intestate Succession in a Polygamous Society	281
Davis, Dena S.	Slim Just Left Town: Decisionmaking on an Intensive Care Unit	261
Fineman, Martha Albertson	Intimacy Outside of the Natural Family: The Limits of Privacy	955
Glesner, B.A.	Fear and Loathing in the Law Schools	627
Hylton, J. Gordon	The Devil's Disciple and the Learned Profession: Ambrose Bierce and the Practice of Law in Gilded Age America	705
McArthur, John B. & Paterson, Thomas W.	The Effects of *Monsanto, Matsushita*, and *Sharp* on the Plaintiff's Incentive to Sue	333
McDowell, Banks	Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders	117
Nock, George R.	The Point of the Fourth Amendment and the Myth of Magisterial Discretion	1
Paterson, Thomas W. & McArthur, John B.	The Effects of *Monsanto, Matsushita*, and *Sharp* on the Plaintiff's Incentive to Sue	333
Pizzi, William T.	Waiver of Rights in the Interrogation Room: The Court's Dilemma	229
Rusch, Linda J.	Separation of Powers Analysis as a Method for Determining the Validity of Federal District Courts' Exercise of Local Rulemaking Power: Application to Local Rules Mandating Alternative Dispute Resolution	483
Schnably, Stephen J.	Beyond *Griswold:* Foucauldian and Republican Approaches to Privacy	861
Schneider, Elizabeth M.	The Violence of Privacy	973
Sunstein, Cass R.	What Judge Bork Should Have Said	205
Walker, Vern R.	The Siren Songs of Science: Toward a Taxonomy of Scientific Uncertainty for Decisionmakers	567

LEAD ARTICLES — By Title

TITLE	AUTHOR	PAGE
Beyond *Griswold:* Foucauldian and Republican Approaches to Privacy	Stephen J. Schnably	861
Choice of Law in Insurance: Using Conflicts Methodology to Minimize Discrimination Among Policyholders	Banks McDowell	117
The Devil's Disciple and the Learned Profession: Ambrose Bierce and the Practice of Law in Gilded Age America	J. Gordon Hylton	705
The Effects of *Monsanto, Matsushita*, and *Sharp* on the Plaintiff's Incentive to Sue	John B. McArthur & Thomas W. Paterson	333
Fear and Loathing in the Law Schools	B.A. Glesner	627
Formalism, Realism, and Naturalism: Cross-currents in American Letters and Law	Allen D. Boyer	669
Intestate Succession in a Polygamous Society	Barry Cushman	281
Intimacy Outside of the Natural Family: The Limits of Privacy	Martha Albertson Fineman	955
Out of the Dark Ages and into the Nineties: Prisons' Responses to Inmates with AIDS	Deborah S. Chang	1001
The Point of the Fourth Amendment and the Myth of Magisterial Discretion	George R. Nock	1
Separation of Powers Analysis as a Method for Determining the Validity of Federal District Courts' Exercise of Local Rulemaking Power: Application to Local Rules Mandating Alternative Dispute Resolution	Linda J. Rusch	483
The Siren Songs of Science: Toward a Taxonomy of Scientific Uncertainty for Decisionmakers	Vern R. Walker	567
Slim Just Left Town: Decisionmaking on an Intensive Care Unit	Dena S. Davis	261
The Theory and Practice of Defending Judges Against Unjust Criticism	Ronald J. Bacigal	99
The Violence of Privacy	Elizabeth M. Schneider	973
Waiver of Rights in the Interrogation Room: The Court's Dilemma	William T. Pizzi	229
What Judge Bork Should Have Said	Cass R. Sunstein	205
William J. Hamersley, Simeon E. Baldwin, and the Constitutional Revolution of 1897 in Connecticut	Christopher Collier	31

NOTES & COMMENTS — By Title

The Costs of Fetal Protection 1049

The Imposition of Use Tax Collection Liability on Mail-Order Retailers: What Happens When the *Bellas Hess* Barrier Is Removed? 1087

Property Taxation of Computer Software: *Northeast Datacom, Inc. v. City of Wallingford* 161

Public Trust, Farmland Protection, and the Connecticut Environmental Protection Act: *Red Hill Coalition, Inc. v. Town Plan and Zoning Commission* 811

Revisiting the Controversy over the Taxation of the Receipt of a Partnership Profits Interest for Services: *Campbell v. Commissioner* 413

Students Versus Professors: Combatting Sexual Harassment Under Title IX of the Education Amendments of 1972 355

Thick Veils and Undrawn Lines: *Eimann v. Soldier of Fortune* and the Demise of the Negligent Advertising Cause of Action 451

Transient Jurisdiction is Here to Stay: *Burnham v. Superior Court of California* 1125

Treating the Symptom Instead of the Cause: Regulating Student Speech at the University of Connecticut 743

BOOK REVIEWS — By Title

Cardozo: A Study in Reputation, *by Richard A. Posner* ..... *Robert Birmingham* & Sharon Jones 1029